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[Report No. 108–154]

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2003

Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 24, 2003

Reported by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transportation Exten-
3 sion Act of 2003”.

4 **SEC. 2. ADVANCES.**

5 (a) IN GENERAL.—The Secretary of Transportation
6 (referred to in this Act as the “Secretary”) shall apportion
7 funds made available under section 1101(c) of the Trans-
8 portation Equity Act for the 21st Century (112 Stat.
9 116), as amended by this Act, to each State in the ratio
10 that—

11 (1) the total fiscal year 2003 obligation author-
12 ity of the State for funds apportioned for the Fed-
13 eral-aid highway program; bears to

14 (2) the total fiscal year 2003 obligation author-
15 ity for all States for funds apportioned for the Fed-
16 eral-aid highway program.

17 (b) PROGRAMMATIC DISTRIBUTIONS.—

18 (1) PROGRAMS.—Of the funds apportioned to
19 each State under subsection (a), the Secretary shall
20 ensure that the State is apportioned an amount of
21 the funds, determined under paragraph (2), for each
22 of—

23 (A) the Interstate maintenance program;

24 (B) the National Highway System pro-
25 gram;

26 (C) the bridge program;

1 (D) the surface transportation program;

2 (E) the congestion mitigation and air qual-
3 ity improvement program;

4 (F) the recreational trails program;

5 (G) the Appalachian development highway
6 system program; and

7 (H) the minimum guarantee.

8 (2) IN GENERAL.—The amount that each State
9 shall be apportioned under this subsection for each
10 program referred to in paragraph (1) shall be deter-
11 mined by multiplying—

12 (A) the amount apportioned to the State
13 under subsection (a); by

14 (B) the ratio that—

15 (i) the amount of funds apportioned
16 for the item to the State for fiscal year
17 2003; bears to

18 (ii) the total of the amount of funds
19 apportioned for all items under paragraph
20 (1) to the State for fiscal year 2003.

21 (3) ADMINISTRATION OF FUNDS.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), funds authorized by the
24 amendment made under subsection (d) shall be
25 administered as if the funds had been appor-

tioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code.

(B) DEDUCTIONS AND SET-ASIDES.—The deductions and set-asides in sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1) of title 23, United States Code, shall not apply to the funds described in subparagraph (A).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee—

(A) the \$2,800,000,000 set forth in paragraph (1) of that section shall be treated as being \$1,166,667,000; and

(B) the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for the purpose of that section, as amounts made available under section 105.

(5) EXTENSION OF OFF SYSTEM BRIDGE SET ASIDE.—Section 144(g)(3) of title 23, United States

1 Code, is amended in the first sentence by inserting
2 after “2003” the following: “and in the period be-
3 ginning October 1, 2003, and ending February 29,
4 2004,”.

5 (c) REPAYMENT FROM FUTURE APPORTION-
6 MENTS.—

7 (1) IN GENERAL.—The Secretary shall reduce
8 the amount that would be apportioned, but for this
9 section, to a State for programs under chapter 1 of
10 title 23, United States Code, for fiscal year 2004,
11 under a law reauthorizing the Federal-aid highway
12 program enacted after the date of enactment of this
13 Act by the amount that is apportioned to each State
14 under subsection (a) and section 5(c) for each such
15 program.

16 (2) PROGRAM CATEGORY RECONCILIATION.—
17 The Secretary may establish procedures under which
18 funds apportioned under subsection (a) for a pro-
19 gram category for which funds are not authorized
20 under a law described in paragraph (1) may be re-
21 stored to the Federal-aid highway program.

22 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
23 Section 1101 of the Transportation Equity Act for the
24 21st Century (112 Stat. 111) is amended by adding at
25 the end the following:

1 “(c) ADVANCE AUTHORIZATION.—

2 “(1) IN GENERAL.—There shall be available
3 from the Highway Trust Fund (other than the Mass
4 Transit Account) to carry out section 2(a) of the
5 Transportation Extension Act of 2003
6 ~~\$13,570,125,000~~ \$13,624,305,000 for the period be-
7 ginning October 1, 2003, and ending February 29,
8 2004.

9 “(2) SPECIAL RULE.—Funds apportioned under
10 section 2(a) of the Transportation Extension Act of
11 2003 shall be subject to a limitation on obligations
12 for Federal-aid highways and highway safety con-
13 struction programs.

14 “(3) CONTRACT AUTHORITY.—Funds made
15 available by this subsection shall be available for ob-
16 ligation in the same manner as if the funds were ap-
17 portioned under chapter 1 of title 23, United States
18 Code.”.

19 (e) LIMITATION ON OBLIGATIONS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 for the period beginning October 1, 2003, and end-
22 ing February 29, 2004, the Secretary shall allocate
23 to each State for programs funded under this section
24 and sections 3 and 5(c), an amount of obligation au-
25 thority made available under an Act making appro-

priations for the Department of Transportation for
fiscal year 2004 that is—

(A) equal to the greater of—

(i) the unobligated balance of the
State, as of October 1, 2003, of Federal-
aid highway apportionments subject to any
limitation on obligations (except that unob-
ligated balances of contract authority from
minimum guarantee and Appalachian de-
velopment highway system apportionments
for which obligation authority was made
available until used shall not be included
for the purpose of calculating the unobli-
gated balance of apportionments of a State
under this clause); or

(ii) ~~50 percent~~ ^{5/12} of the total fiscal
year 2003 obligation authority of the State
for funds apportioned for the Federal-aid
highway program; but

(B) not greater than 75 percent of the
total fiscal year 2003 obligation authority of the
State for funds apportioned for the Federal-aid
highway program.

(2) LIMITATION ON AMOUNT.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the total of all allocations
3 under paragraph (1) and allocations for pro-
4 grams funded under section 4 and 5 (other
5 than section 5(c)) shall not exceed
6 \$14,771,286,000.

7 (B) EXCEPTION.—Paragraph (1) shall not
8 apply to \$266,250,000 in obligations for the
9 minimum guarantee for the period beginning
10 October 1, 2003, and ending February 29,
11 2004.

12 (3) TIME PERIOD FOR OBLIGATIONS OF
13 FUNDS.—A State shall not obligate any funds for
14 any Federal-aid highway program project after Feb-
15 ruary 29, 2004, until the date of enactment of a
16 multiyear law reauthorizing the Federal-aid highway
17 program.

18 (4) TREATMENT OF OBLIGATIONS.—Any obliga-
19 tion of an allocation of obligation authority made
20 under this subsection shall be considered to be an
21 obligation for Federal-aid highways and highway
22 safety construction programs for fiscal year 2004 for
23 the purpose of the matter under the heading “(LIMI-
24 TATION ON OBLIGATIONS)” under the heading
25 “FEDERAL-AID HIGHWAYS” in an Act making

1 appropriations for the Department of Transpor-
2 tation for fiscal year 2004.

3 (f) REVENUE ALIGNED BUDGET AUTHORITY.—Sec-
4 tion 110 of title 23, United States Code, shall not apply
5 to funds apportioned, allocated, deducted, or set aside
6 under this Act for the period beginning October 1, 2003,
7 and ending February 29, 2004.

8 **SEC. 3. TRANSFER OF UNOBLIGATED APPORTIONMENTS.**

9 (a) IN GENERAL.—In addition to any other authority
10 of a State to transfer funds, for fiscal year 2004, a State
11 may transfer any funds apportioned to the State for any
12 program under section 104(b) (including amounts appor-
13 tioned under section 104(b)(3) or set aside, made avail-
14 able, or suballocated under section 133(d)) or section 144
15 of title 23, United States Code), before, on, or after the
16 date of enactment of this Act, that are subject to any limi-
17 tation on obligations, and that are not obligated, to any
18 other of those programs.

19 (b) TREATMENT OF TRANSFERRED FUNDS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), any funds of a program described in sub-
22 section (a) that are transferred to another program
23 described in that subsection shall be subject to the
24 provisions of the program to which the funds are
25 transferred.

1 (2) EXCEPTION.—Funds of a program de-
2 scribed in subsection (a) that are transferred to a
3 program under section 133 (other than subsections
4 (d)(1) and (d)(2)) of title 23, United States Code,
5 shall not be subject to section 133(d) of that title.

6 (c) RESTORATION OF APPORTIONMENTS.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of enactment of a multiyear law reauthor-
9 izing the Federal-aid highway program enacted after
10 the date of enactment of this Act, the Secretary of
11 Transportation shall restore any funds that a State
12 transferred under subsection (a) for any project that
13 was ineligible to receive the funds except by oper-
14 ation of this section to the program category from
15 which the funds were transferred.

16 (2) PROGRAM CATEGORY RECONCILIATION.—
17 The Secretary may establish procedures under which
18 funds transferred under subsection (a) from a pro-
19 gram category for which funds are not authorized
20 may be restored to the Federal-aid highway pro-
21 gram.

22 (3) LIMITATION ON STATUTORY CONSTRUC-
23 TION.—No provision of law, except a statute enacted
24 after the date of enactment of this Act that ex-
25 pressly limits the application of this subsection, shall

1 impair the authority of the Secretary to restore
2 funds in accordance with this subsection.

3 (d) GUIDANCE.—The Secretary may issue guidance
4 for use in carrying out this section.

5 **SEC. 4. ADMINISTRATIVE EXPENSES.**

6 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
7 There shall be available from the Highway Trust Fund
8 (other than the Mass Transit Account) for administrative
9 expenses of the Federal-aid highway program
10 \$187,500,000 for fiscal year 2004.

11 (b) CONTRACT AUTHORITY.—Funds made available
12 by this section shall—

13 (1) be available for obligation in the same man-
14 ner as if the funds were apportioned under chapter
15 1 of title 23, United States Code;

16 (2) be subject to a limitation on obligations for
17 Federal-aid highways and highway safety construc-
18 tion programs; and

19 (3) remain available until expended.

20 **SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS**

21 (a) AUTHORIZATION OF APPROPRIATIONS UNDER
22 TITLE I OF TEA-21.—

23 (1) FEDERAL LANDS HIGHWAYS.—

24 (A) INDIAN RESERVATION ROADS.—Sec-
25 tion 1101(a)(8)(A) of the Transportation Equity

1 Act for the 21st Century (112 Stat. 112) is
2 amended by inserting before the period at the
3 end the following: “and \$114,583,000 for the
4 period beginning October 1, 2003, and ending
5 February 29, 2004 (except that the minimum
6 amount made available for that period that the
7 Secretary, in cooperation with the Secretary of
8 the Interior, shall reserve for Indian reservation
9 road bridges under section 202(d)(4) of title 23,
10 United States Code, shall be \$5,416,000 in-
11 stead of \$13,000,000)”.

12 (B) PUBLIC LANDS HIGHWAYS.—Section
13 1101(a)(8)(B) of the Transportation Equity
14 Act for the 21st Century (112 Stat. 112) is
15 amended by inserting before the period at the
16 end the following: “and \$102,500,000 for the
17 period beginning October 1, 2003, and ending
18 February 29, 2004.”

19 (C) PARK ROADS AND PARKWAYS.—Sec-
20 tion 1101(a)(8)(C) of the Transportation Eq-
21 uity Act for the 21st Century (112 Stat. 112)
22 is amended by inserting before the period at the
23 end the following: “and \$68,750,000 for the pe-
24 riod beginning October 1, 2003, and ending
25 February 29, 2004”.

1 (D) REFUGE ROADS.—Section
 2 1101(a)(8)(D) of the Transportation Equity
 3 Act for the 21st Century (112 Stat. 112) is
 4 amended by inserting before the period at the
 5 end the following: “and \$8,333,000 for the pe-
 6 riod beginning October 1, 2003, and ending
 7 February 29, 2004”.

8 (2) NATIONAL CORRIDOR PLANNING AND DE-
 9 VELOPMENT AND COORDINATED BORDER INFRA-
 10 STRUCTURE PROGRAMS.—Section 1101(a)(9) of the
 11 Transportation Equity Act for the 21st Century
 12 (112 Stat. 112) is amended by inserting before the
 13 period at the end the following: “and \$58,333,000
 14 for the period beginning October 1, 2003, and end-
 15 ing February 29, 2004”.

16 (3) CONSTRUCTION OF FERRY BOATS AND
 17 FERRY TERMINAL FACILITIES.—

18 (A) IN GENERAL.—Section 1101(a)(10) of
 19 the Transportation Equity Act for the 21st
 20 Century (112 Stat. 112) is amended by striking
 21 “for each of fiscal year 1998” and all that fol-
 22 lows and inserting “for fiscal year 1998,
 23 \$38,000,000 for each of fiscal years 1999
 24 through 2003, and \$15,833,000 for the period

beginning October 1, 2003, and ending February 29, 2004”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 112 Stat. 185), of funds made available by the amendment made by subparagraph (A)—

(i) \$4,166,000 shall be available to carry out section 1064(d)(2) of that Act;

(ii) \$2,083,000 shall be available to carry out section 1064(d)(3) of that Act; and

(iii) \$2,083,000 shall be available to carry out section 1064(d)(4) of that Act.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113) is amended—

(A) by striking “and” the last place it appears; and

(B) by inserting before the period at the end the following: “, and \$11,041,000 for the

1 period beginning October 1, 2003, and ending
2 February 29, 2004”.

3 (5) VALUE PRICING PILOT PROGRAM.—Section
4 1101(a)(12) of the Transportation Equity Act for
5 the 21st Century (112 Stat. 113) is amended—

6 (A) by striking “and”; and

7 (B) by inserting before the period at the
8 end the following: “, and \$4,583,000 for the pe-
9 riod of October 1, 2003, through February 29,
10 2004”.

11 (6) HIGHWAY USE TAX EVASION PROJECTS.—
12 Section 1101(a)(14) of the Transportation Equity
13 Act for the 21st Century (112 Stat. 113) is amend-
14 ed by inserting before the period at the end the fol-
15 lowing: “, and \$2,083,000 for the period beginning
16 October 1, 2003, and ending February 29, 2004”.

17 (7) COMMONWEALTH OF PUERTO RICO HIGH-
18 WAY PROGRAM.—

19 (A) IN GENERAL.—Section 1101(a)(15) of
20 the Transportation Equity Act for the 21st
21 Century (112 Stat. 113) is amended by insert-
22 ing before the period at the end the following:
23 “and \$45,833,000 for the period beginning Oc-
24 tober 1, 2003, and ending February 29, 2004”.

1 (B) CONFORMING AMENDMENT.—Section
 2 1214(r)(1) of the Transportation Equity Act
 3 for the 21st Century (112 Stat. 209) is amend-
 4 ed by striking “2003” and inserting “2004”.

5 (8) TRANSPORTATION AND COMMUNITY AND
 6 SYSTEM PRESERVATION PILOT PROGRAM.—Section
 7 1221(e)(1) of the Transportation Equity Act for the
 8 21st Century (23 U.S.C. 101 note; 112 Stat. 223)
 9 is amended—

10 (A) by striking “1999 and” and inserting
 11 “1999,”; and

12 (B) by inserting before the period at the
 13 end the following: “and \$10,416,000 for the pe-
 14 riod beginning October 1, 2003, and ending
 15 February 29, 2004”.

16 ~~(9) TRANSPORTATION INFRASTRUCTURE FI-~~
 17 ~~NANCE AND INNOVATION.—Section 188 of title 23,~~
 18 ~~United States Code, is amended—~~

19 ~~(A) in subsection (a)(1)—~~

20 ~~(i) in subparagraph (D), by striking~~
 21 ~~“and” at the end;~~

22 ~~(ii) in subparagraph (E), by striking~~
 23 ~~the period at the end and inserting “;~~
 24 ~~and”; and~~

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(F) \$54,166,000 for the period beginning
 4 October 1, 2003, and ending February 29,
 5 2004.”;

6 (B) in subsection (a)(2), by inserting after
 7 “2003” the following: “and \$833,000 for the
 8 period beginning October 1, 2003, and ending
 9 February 29, 2004”; and

10 (C) in subsection (c)—

11 (i) by striking “2003” and inserting
 12 “2004”; and

13 (ii) by striking the period at the end
 14 of the table and inserting the following:

“2004 \$1,300,000,000.”;

15 (9) *TRANSPORTATION INFRASTRUCTURE FINANCE*
 16 *AND INNOVATION.*—*Section 1101 of the Transpor-*
 17 *tation Equity Act for the 21st Century (112 Stat.*
 18 *111) (as amended by section 2(d)) is amended by*
 19 *adding at the end the following:*

20 “(d) *TRANSPORTATION INFRASTRUCTURE FINANCE*
 21 *AND INNOVATION.*—

22 “(1) *IN GENERAL.*—*There shall be available from*
 23 *the Highway Trust Fund (other than the Mass Tran-*
 24 *sit Account) \$54,166,000 to the Secretary to carry out*
 25 *the program under subchapter II of chapter 1 of title*

1 *23, United States Code, for the period beginning Oc-*
 2 *tober 1, 2003, and ending February 29, 2004.*

3 “(2) *ADMINISTRATIVE COSTS.—Of the funds*
 4 *made available under paragraph (1), not more than*
 5 *\$833,000 shall be available for administrative costs.*

6 “(3) *CONTRACT AUTHORITY.—Funds made avail-*
 7 *able by this subsection shall be—*

8 “(A) *available for obligation, except as pro-*
 9 *vided in this section, in the same manner as if*
 10 *the funds were made available under section 188*
 11 *of title 23, United States Code; and*

12 “(B) *subject to any limitation on obliga-*
 13 *tions for Federal-aid highways and highway*
 14 *safety construction programs.*

15 “(4) *LIMITATION ON CREDIT AMOUNTS.—For the*
 16 *period beginning October 1, 2003, and ending Feb-*
 17 *ruary 29, 2004, principal amounts of Federal credit*
 18 *instruments made available under subchapter II of*
 19 *chapter 1 of title 23, United States Code, shall be lim-*
 20 *ited to \$1,300,000,000.”.*

21 (b) *REAUTHORIZATION OF APPROPRIATIONS UNDER*
 22 *TITLE V OF TEA-21.—*

23 (1) *SURFACE TRANSPORTATION RESEARCH.—*

24 Section 5001(a)(1) of the Transportation Equity Act
 25 for the 21st Century (112 Stat. 419) is amended—

1 (A) by striking “2002, and” and inserting
2 “2002,”; and

3 (B) by inserting after “2003” the fol-
4 lowing: “and \$42,916,000 for the period begin-
5 ning October 1, 2003, and ending February 29,
6 2004”.

7 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—
8 Section 5001(a)(2) of the Transportation Equity Act
9 for the 21st Century (112 Stat. 419) is amended—

10 (A) by striking “2002, and” and inserting
11 “2002,”; and

12 (B) by inserting after “2003” the fol-
13 lowing: “and \$20,833,000 for the period begin-
14 ning October 1, 2003, and ending February 29,
15 2004”.

16 (3) TRAINING AND EDUCATION.—Section
17 5001(a)(3) of the Transportation Equity Act for the
18 21st Century (112 Stat. 420) is amended—

19 (A) by striking “2002, and” and inserting
20 “2002,”; and

21 (B) by inserting after “2003” the fol-
22 lowing: “and \$8,333,000 for the period begin-
23 ning October 1, 2003, and ending February 29,
24 2004”.

1 (4) BUREAU OF TRANSPORTATION STATIS-
 2 TICS.—Section 5001(a)(4) of the Transportation
 3 Equity Act for the 21st Century (112 Stat. 420) is
 4 amended by inserting before the period at the end
 5 the following: “, and \$12,916,000 for the period be-
 6 ginning October 1, 2003, and ending February 29,
 7 2004”.

8 (5) ITS STANDARDS, RESEARCH, OPERATIONAL,
 9 TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of
 10 the Transportation Equity Act for the 21st Century
 11 (112 Stat. 420) is amended—

12 (A) by striking “2002, and” and inserting
 13 “2002,”; and

14 (B) by inserting after “2003” the fol-
 15 lowing: “, and \$45,833,000 for the period be-
 16 ginning October 1, 2003, and ending February
 17 29, 2004”.

18 (6) ITS DEPLOYMENT.—Section 5001(a)(6) of
 19 the Transportation Equity Act for the 21st Century
 20 (112 Stat. 420) is amended—

21 (A) by striking “2002, and” and inserting
 22 “2002,”; and

23 (B) by inserting after “2003” the fol-
 24 lowing: “, \$50,833,000 for the period beginning

1 October 1, 2003, and ending February 29,
2 2004”.

3 (7) UNIVERSITY TRANSPORTATION RE-
4 SEARCH.—Section 5001(a)(7) of the Transportation
5 Equity Act for the 21st Century (112 Stat. 420) is
6 amended—

7 (A) by striking “2002, and ” and inserting
8 “2002,”; and

9 (B) by inserting after “2003” the fol-
10 lowing: “, \$11,041,000 for the period beginning
11 October 1, 2003, and ending February 29,
12 2004”.

13 (c) METROPOLITAN PLANNING.—Section 1101 of the
14 Transportation Equity Act for the 21st Century (112
15 Stat. 111) (as amended by section ~~2(d)~~ 5(a)(9) is amend-
16 ed by adding at the end the following:

17 “~~(d)~~ (e) METROPOLITAN PLANNING.—

18 “(1) IN GENERAL.—In lieu of the amount set
19 aside under section 104(f) of title 23, United States
20 Code, there shall be available from the Highway
21 Trust Fund (other than the Mass Transit Account)
22 to carry out section 134 of title 23, United States
23 Code, \$81,166,000 for the period beginning October
24 1, 2003, and ending February 29, 2004.

1 “(2) DISTRIBUTION OF FUNDS.—The Secretary
 2 shall distribute funds made available by this sub-
 3 section to the States in accordance with section
 4 104(f)(2) of title 23, United States Code.

5 “(3) CONTRACT AUTHORITY.—Funds made
 6 available by this subsection shall—

7 “(A) be available for obligation in the same
 8 manner as if the funds were apportioned under
 9 chapter 1 of title 23, United State Code; and

10 “(B) shall be subject to a limitation on ob-
 11 ligations for Federal-aid highways and highway
 12 safety construction programs.”.

13 (d) TERRITORIES.—Section 1101 of the Transpor-
 14 tation Equity Act for the 21st Century (112 Stat. 111)
 15 (as amended by subsection (c)) is amended by adding at
 16 the end the following:

17 “~~(e)~~ (f) TERRITORIES.—

18 “(1) IN GENERAL.—In lieu of the amounts de-
 19 ducted under section 104(b)(1) of title 23, United
 20 States Code, there shall be available from the High-
 21 way Trust Fund (other than the Mass Transit Ac-
 22 count) for the Virgin Islands, Guam, American
 23 Samoa, and the Commonwealth of the Northern
 24 Mariana Islands \$15,166,000 for the period begin-

1 ning October 1, 2003, and ending February 29,
2 2004.

3 “(2) CONTRACT AUTHORITY.—Funds made
4 available by this subsection shall—

5 “(A) be available for obligation in the same
6 manner as if the funds were apportioned under
7 chapter 1 of title 23, United States Code; and

8 “(B) shall be subject to a limitation on ob-
9 ligations for Federal-aid highways and highway
10 safety construction programs.”.

11 (e) OPERATION LIFESAVER.—Section 1101 of the
12 Transportation Equity Act for the 21st Century (112
13 Stat. 111) (as amended by subsection (d)) is amended by
14 adding at the end the following:

15 “~~(f)~~ (g) OPERATION LIFESAVER.—

16 “(1) IN GENERAL.—In lieu of the amount set
17 aside under section 104(d)(1) of title 23, United
18 States Code, there shall be available from the High-
19 way Trust Fund (other than the Mass Transit Ac-
20 count) to carry out the operation lifesaver program
21 under that section \$208,000 for the period begin-
22 ning October 1, 2003, and ending February 29,
23 2004.

24 “(2) CONTRACT AUTHORITY.—Funds made
25 available by this subsection shall—

1 “(A) be available for obligation in the same
2 manner as if the funds were apportioned under
3 chapter 1 of title 23, United States Code; and

4 “(B) shall be subject to a limitation on ob-
5 ligations for Federal-aid highways and highway
6 safety construction programs.”.

7 (f) BRIDGE DISCRETIONARY PROGRAM.—Section
8 1101 of the Transportation Equity Act for the 21st Cen-
9 tury (112 Stat. 111) (as amended by subsection (e)) is
10 amended by adding at the end the following:

11 “~~(g)~~ (h) BRIDGE DISCRETIONARY PROGRAM.—

12 “(1) IN GENERAL.—There shall be available
13 from the Highway Trust Fund (other than the Mass
14 Transit Account) \$41,666,000 to the Secretary for
15 use at the discretion of the Secretary in carrying out
16 section 144(g) of title 23, United States Code, for
17 the period beginning October 1, 2003, and ending
18 February 29, 2004.

19 “(2) CONTRACT AUTHORITY.—Funds made
20 available by this subsection shall—

21 “(A) be available for obligation in the same
22 manner as if the funds were apportioned under
23 chapter 1 of title 23, United States Code; and

1 “(B) shall be subject to a limitation on ob-
 2 ligations for Federal-aid highways and highway
 3 safety construction programs.”.

4 (g) INTERSTATE MAINTENANCE.—Section 1101 of
 5 the Transportation Equity Act for the 21st Century (112
 6 Stat. 111) (as amended by subsection (f)) is amended by
 7 adding at the end the following:

8 ~~“(h)~~ (i) INTERSTATE MAINTENANCE.—

9 “(1) IN GENERAL.—There shall be available
 10 from the Highway Trust Fund (other than the Mass
 11 Transit Account) \$41,666,000 to the Secretary to
 12 carry out projects described in section 118(c)(1) of
 13 title 23, United States Code, for the period begin-
 14 ning October 1, 2003, and ending February 29,
 15 2004.

16 “(2) PROJECT SELECTION CRITERIA.—The
 17 project selection criteria in section 118(c)(2) of title
 18 23, United States Code, shall apply to amounts
 19 made available by this subsection.

20 “(3) CONTRACT AUTHORITY.—Funds made
 21 available by this subsection shall—

22 “(A) be available for obligation in the same
 23 manner as if the funds were apportioned under
 24 chapter 1 of title 23, United States Code;

1 “(B) be subject to a limitation on obliga-
 2 tions for Federal-aid highways and highway
 3 safety construction programs; and

4 “(C) remain available until expended.”.

5 (h) RECREATIONAL TRAILS ADMINISTRATIVE
 6 COSTS.—Section 1101 of the Transportation Equity Act
 7 for the 21st Century (112 Stat. 111) (as amended by sub-
 8 section (g)) is amended by adding at the end the following:
 9 “~~(i)~~ (j) RECREATIONAL TRAILS ADMINISTRATIVE
 10 COSTS.—

11 “(1) IN GENERAL.—In lieu of the amount to be
 12 deducted under section 104(h)(1) of title 23, United
 13 States Code, there shall be available from the High-
 14 way Trust Fund (other than the Mass Transit Ac-
 15 count) to the Secretary to pay costs incurred by the
 16 Secretary described in that section \$312,000 for the
 17 period beginning October 1, 2003, and ending Feb-
 18 ruary 29, 2004.

19 “(2) CONTRACT AUTHORITY.—Funds made
 20 available by this subsection shall—

21 “(A) be available for obligation in the same
 22 manner as if the funds were apportioned under
 23 chapter 1 of title 23, United States Code; and

1 “(B) shall be subject to a limitation on ob-
 2 ligations for Federal-aid highways and highway
 3 safety construction programs.”.

4 (i) RAILWAY-HIGHWAY CROSSING HAZARD ELIMI-
 5 NATIONS IN HIGH SPEED RAIL CORRIDORS.—Section
 6 1101 of the Transportation Equity Act for the 21st Cen-
 7 tury (112 Stat. 111) (as amended by subsection (h)) is
 8 amended by adding at the end the following:

9 “~~(j)~~ (k) RAILWAY-HIGHWAY CROSSING HAZARD
 10 ELIMINATIONS IN HIGH SPEED RAIL CORRIDORS.—

11 “(1) FUNDING.—

12 “(A) IN GENERAL.—Except as provided in
 13 subparagraph (B), in lieu of the amount to be
 14 set aside under section 104(d)(2) of title 23,
 15 United States Code, there shall be available
 16 from the Highway Trust Fund (other than the
 17 Mass Transit Account) to the Secretary for
 18 elimination of hazards of railway-highway cross-
 19 ings in accordance with that section \$2,187,000
 20 for the period beginning October 1, 2003, and
 21 ending February 29, 2004.

22 “(B) EXCEPTION.—Not less than
 23 \$104,000 (instead of \$250,000) shall be avail-
 24 able for the period beginning October 1, 2003,
 25 and ending February 29, 2004, for eligible im-

1 provements described in section 104(d)(2)(E) of
2 title 23, United States Code.

3 “(2) CONTRACT AUTHORITY.—Funds made
4 available by this subsection shall—

5 “(A) be available for obligation in the same
6 manner as if the funds were apportioned under
7 chapter 1 of title 23, United States Code; and

8 “(B) be subject to a limitation on obliga-
9 tions for Federal-aid highways and highway
10 safety construction programs.”.

11 (j) SEAT BELT SAFETY INCENTIVE GRANTS.—

12 (1) IN GENERAL.—Section 157 of title 23,
13 United States Code, is amended—

14 (A) in subsection (a)—

15 (i) in paragraph (3), by striking
16 “2001” and inserting “2002”; and

17 (ii) in paragraph (8)(B), by striking
18 “2001” and inserting “2002”;

19 (B) in subsection (b), by striking “2002”
20 and inserting “2003”;

21 (C) in subsection (c), by striking “2002”
22 each place it appears and inserting “2003”;

23 (D) in subsection (f)(4), by striking
24 “2002” and inserting “2003”;

25 (E) in subsection (g)(3)(B)—

- 1 (i) in the subparagraph heading, by
 2 striking “2003” and inserting “2004”; and
 3 (ii) by striking “2003” and inserting
 4 “2004”.

5 (2) AUTHORIZATION.—Section 1101 of the
 6 Transportation Equity Act for the 21st Century
 7 (112 Stat. 111) (as amended by subsection (i)), is
 8 amended by adding at the end the following:

9 “~~(k)~~ (l) SEAT BELT SAFETY INCENTIVE GRANTS.—
 10 “(1) AUTHORIZATION.—There shall be available
 11 from the Highway Trust Fund (other than the Mass
 12 Transit Account) to carry out section 157 of title
 13 23, United States Code, \$46,666,000 for the period
 14 beginning October 1, 2003, and ending February 29,
 15 2004.

16 “(2) CONTRACT AUTHORITY.—Funds made
 17 available by this subsection shall—

18 “(A) be available for obligation in the same
 19 manner as if the funds were apportioned under
 20 chapter 1 of title 23, United States Code; and

21 “(B) be subject to a limitation on obliga-
 22 tions for Federal-aid highways and highway
 23 safety construction ~~programs.~~ *programs.*

24 “(3) *USE OF FUNDS.*—*The Secretary may use*
 25 *amounts made available under this subsection to*

1 *make innovative project allocations, not to exceed the*
 2 *amounts of such allocations made for fiscal year*
 3 *2003, before making incentive grants for use of seat*
 4 *belts.”.*

5 (k) PREVENTION OF INTOXICATED DRIVER INCEN-
 6 TIVE GRANTS.—Section 1101 of the Transportation Eq-
 7 uity Act for the 21st Century (112 Stat. 111) (as amended
 8 by subsection (j)), is amended by adding at the end the
 9 following:

10 “(+) (m) PREVENTION OF INTOXICATED DRIVER IN-
 11 CENTIVE GRANTS.—

12 “(1) AUTHORIZATION.—There shall be available
 13 from the Highway Trust Fund (other than the Mass
 14 Transit Account) to carry out section 163 of title
 15 23, United States Code, \$45,833,000 for the period
 16 beginning October 1, 2003, and ending February 29,
 17 2004.

18 “(2) CONTRACT AUTHORITY.—Funds made
 19 available by this subsection shall—

20 “(A) be available for obligation in the same
 21 manner as if the funds were apportioned under
 22 chapter 1 of title 23, United States Code;

23 “(B) be subject to a limitation on obliga-
 24 tions for Federal-aid highways and highway
 25 safety construction programs; and

1 “(C) remain available until ~~expended.~~” *ex-*
 2 *pended.*

3 “(3) *USE OF FUNDS.*—

4 “(A) *IN GENERAL.*—*The amounts made*
 5 *available under this subsection shall be used to*
 6 *support national mobilizations that target im-*
 7 *paired drivers, in cooperation with the State and*
 8 *nonprofit safety organizations that have been ac-*
 9 *tive participants in such mobilizations.*

10 “(B) *PROJECTS.*—*Support under subpara-*
 11 *graph (A) shall include—*

12 “(i) *impaired driving enforcement*
 13 *grants;*

14 “(ii) *broadcast advertising to be used*
 15 *as directed by the Secretary;*

16 “(iii) *evaluation of the activities de-*
 17 *scribed in clauses (i) and (ii); and*

18 “(iv) *a demonstration project to test*
 19 *new strategies or improvements in strategies*
 20 *in States in which the largest gains in re-*
 21 *ducing alcohol-related fatalities can be*
 22 *made, as determined by the Secretary.”.*

23 (l) *NONDISCRIMINATION.*—Section 1101 of the
 24 Transportation Equity Act for the 21st Century (112

1 Stat. 111) (as amended by subsection (k)) is amended by
 2 adding at the end the following:

3 “~~(m)~~ (n) NONDISCRIMINATION.—

4 “(1) SKILLS TRAINING.—In lieu of the amount
 5 to be deducted under section 140(b) of title 23,
 6 United States Code, there shall be available from the
 7 Highway Trust Fund (other than the Mass Transit
 8 Account) to the Secretary for the administration of
 9 that section \$4,166,000 for the period beginning Oc-
 10 tober 1, 2003, and ending February 29, 2004.

11 “(2) ON-THE-JOB TRAINING.—In lieu of the
 12 amount to be deducted under section 140(c) of title
 13 23, United States Code, there shall be available from
 14 the Highway Trust Fund (other than the Mass
 15 Transit Account) to the Secretary for the adminis-
 16 tration of that section \$4,166,000 for the period be-
 17 ginning October 1, 2003, and ending February 29,
 18 2004.

19 “(3) CONTRACT AUTHORITY.—Funds made
 20 available by this subsection shall—

21 “(A) be available for obligation in the same
 22 manner as if the funds were apportioned under
 23 chapter 1 of title 23, United States Code;

1 “(B) be subject to a limitation on obliga-
 2 tions for Federal-aid highways and highway
 3 safety construction programs; and

4 “(C) remain available until expended.”.

5 (m) ADMINISTRATION OF FUNDS.—Funds author-
 6 ized by the amendments made by this section shall be ad-
 7 ministered as if the funds had been apportioned, allocated,
 8 deducted, or set aside, as the case may be, under title 23,
 9 United States Code (except that the deductions under sec-
 10 tions 104(a)(1)(A) and 104(a)(1)(B) of title 23, United
 11 States Code, shall not apply to funds made available by
 12 the amendment made by subsection (a)(1)).

13 (n) REDUCTION OF ALLOCATED PROGRAMS.—The
 14 Secretary shall reduce the amount that would be made
 15 available, but for this section, for fiscal year 2004 for allo-
 16 cation under a program, that is continued both by a law
 17 reauthorizing the program enacted after the date of enact-
 18 ment of this Act and by this section, by the amount made
 19 available for the program by this section.

20 (o) PROGRAM CATEGORY RECONCILIATION.—The
 21 Secretary may establish procedures under which funds al-
 22 located under this section for fiscal year 2004 for a pro-
 23 gram category for which funds are not authorized for fis-
 24 cal year 2004 under a multiyear law reauthorizing the
 25 Federal-aid highway program enacted after the date of en-

1 actment of this Act may be restored to the Federal-aid
2 highway program.

3 ~~(p) TRANSPORTATION INFRASTRUCTURE FINANCE~~
4 ~~AND INNOVATION.—~~Section 1101 of the Transportation
5 Equity Act for the 21st Century (~~112~~ Stat. 111) (as
6 amended by subsection ~~(1)~~) is amended by adding at the
7 end the following:

8 ~~“(n) TRANSPORTATION INFRASTRUCTURE FINANCE~~
9 ~~AND INNOVATION.—~~

10 ~~“(1) IN GENERAL.—~~There shall be available
11 from the Highway Trust Fund (other than the Mass
12 Transit Account) \$54,166,000 to the Secretary to
13 carry out the program under subchapter H of chap-
14 ter 1 of title 23, United States Code, for the period
15 beginning October 1, 2003, and ending February 29,
16 2004.

17 ~~“(2) ADMINISTRATIVE COSTS.—~~Of the funds
18 made available under paragraph ~~(1)~~, not more than
19 \$833,000 shall be available for administrative costs.

20 ~~“(3) CONTRACT AUTHORITY.—~~Funds made
21 available by this subsection shall be—

22 ~~“(A) available for obligation, except as pro-~~
23 ~~vided in this section, in the same manner as if~~
24 ~~the funds were made available under section~~
25 ~~188 of title 23, United States Code; and~~

1 ~~“(B) subject to any limitation on obliga-~~
 2 ~~tions for Federal-aid highways and highway~~
 3 ~~safety construction programs.~~

4 ~~“(4) LIMITATION ON CREDIT AMOUNTS.—For~~
 5 ~~the period beginning October 1, 2003, and ending~~
 6 ~~February 29, 2004, principal amounts of Federal~~
 7 ~~credit instruments made available under subchapter~~
 8 ~~H of chapter 1 of title 23, United States Code, shall~~
 9 ~~be limited to \$1,300,000,000.”.~~

10 **SEC. 6. SPORT FISHING AND BOATING SAFETY.**

11 (a) FUNDING FOR NATIONAL OUTREACH AND COM-
 12 MUNICATIONS PROGRAM.—Section 4(c) of the Dingell-
 13 Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c))
 14 is amended—

15 (1) in paragraph (4), by striking “and” at the
 16 end;

17 (2) in paragraph (5), by inserting “and” after
 18 the semicolon at the end; and

19 (3) by inserting after paragraph (5) the fol-
 20 lowing:

21 “(6) \$4,166,000 for the period beginning Octo-
 22 ber 1, 2003, and ending February 29, 2004;”.

23 (b) CLEAN VESSEL ACT FUNDING.—Section 4(b) of
 24 the Dingell-Johnson Sport Fish Restoration Act (16
 25 U.S.C. 777c(b)) is amended—

1 (1) by redesignating paragraph (4) as para-
2 graph (5); and

3 (2) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) FIRST HALF OF FISCAL YEAR 2004.—For
6 the period beginning October 1, 2003, and ending
7 February 29, 2004, of the balance of each annual
8 appropriation remaining after making the distribu-
9 tion under subsection (a), an amount equal to
10 \$34,166,000, reduced by 82 percent of the amount
11 appropriated for that fiscal year from the Boat Safe-
12 ty Account of the Aquatic Resources Trust Fund es-
13 tablished by section 9504 of the Internal Revenue
14 Code of 1986 to carry out the purposes of section
15 13106(a) of title 46, United States Code, shall be
16 used as follows:

17 “(A) \$4,166,000 shall be available to the
18 Secretary of the Interior for 3 fiscal years for
19 obligation for qualified projects under section
20 5604(c) of the Clean Vessel Act of 1992 (33
21 U.S.C. 1322 note).

22 “(B) \$3,333,000 shall be available to the
23 Secretary of the Interior for 3 fiscal years for
24 obligation for qualified projects under section

1 7404(d) of the Sportfishing and Boating Safety
2 Act of 1998 (16 U.S.C. 777g–1(d)).

3 “(C) The balance remaining after the ap-
4 plication of subparagraphs (A) and (B) shall
5 be—

6 “(i) transferred to the Secretary of
7 Transportation; and

8 “(ii) expended for State recreational
9 boating safety programs under section
10 13106 of title 46, United States Code.”.

11 ~~(e) BOAT SAFETY FUNDS.—Section 13106 of title~~
12 ~~46, United States Code, is amended by striking subsection~~
13 ~~(e) and inserting the following:~~

14 ~~“(e) BOATING SAFETY FUNDS.—~~

15 ~~“(1) IN GENERAL.—Of the amount transferred~~
16 ~~to the Secretary of Transportation under paragraph~~
17 ~~(4) of section 4(b) of the Dingell-Johnson Sport~~
18 ~~Fish Restoration Act (16 U.S.C. 777e(b)),~~
19 ~~\$2,083,000 is available to the Secretary for payment~~
20 ~~of expenses of the Coast Guard for personnel and~~
21 ~~activities directly related to coordinating and ear-~~
22 ~~rying out the national recreational boating safety~~
23 ~~program under this title, of which \$833,000 shall be~~
24 ~~available to the Secretary only to ensure compliance~~
25 ~~with chapter 43 of this title.~~

1 “(2) USE OF FUNDS.—No funds available to
2 the Secretary of Transportation under this sub-
3 section may be used—

4 “(A) to replace funding traditionally pro-
5 vided through general appropriations; or

6 “(B) for any purposes except a purpose
7 authorized by this section.

8 “(3) AVAILABILITY OF FUNDS.—Amounts made
9 available by this subsection shall remain available
10 until expended.

11 “(4) ACCOUNTING.—The Secretary shall pub-
12 lish annually in the Federal Register a detailed ac-
13 counting of the projects, programs, and activities
14 funded under this subsection.”.

Calendar No. 287

108TH CONGRESS
1ST SESSION

S. 1640

[Report No. 108-154]

A BILL

To provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

SEPTEMBER 24, 2003

Reported with amendments